NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, NOVEMBER 25, 2014 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia M. Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

CEREMONIAL MATTERS

Mayor Fraim read a proclamation proclaiming the month of **November** as **Adoption Awareness Month in the City of Norfolk**. Steve Hawks, Director of Human Services, Sharon & Randolph Covington and their six adopted children who are brothers and sisters, ages 5 to 17 received the Proclamation.

Peggy Haile-McPhillips and Thomas Helm Jones, III from the Norfolk Public Library Foundation Board presented council with the 2015 Norfolk Historical calendar.

INVITATION TO BID

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a Lease and Service Agreement, with a term of twenty years, for the lease and operation of Lambert's Point Golf Course and Ocean View Golf Course in the City of Norfolk.

Mike Fentress, 4840 Princess Anne Road, was present to answer questions.

After following the procedure set out in State Code Section 15.2-2102, an Ordinance entitled, "An Ordinance accepting the Bid submitted by Golf Management, "was introduced in writing and read by its title.

ACTION:

The motion was to close the public hearing and continue to December 9, 2014 to review the bid.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of Second Calvary Baptist Church, for a change of zoning from PDR-7 (Middle Town Arch Planned Development) and R-8 (Single-Family) to IN-1 (Institutional) on properties numbered 2920, 2940, and 3002 Corprew Avenue and 901 and 915 Ballentine Boulevard.

Phillip Brooks, 2940 Corprew Avenue, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at 2920, 2940, and 3002 Corprew Avenue and 901 and 915 Ballentine Boulevard from PDR-7 (Planned Development Residential) and R-8 (Single –Family Residential) to IN-1 (Institutional) District," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of City of Norfolk, for closing, vacating and discontinuing a portion of East Indian River Road being 10.67 feet, more or less, by 135 feet, more or less, and lying 291 feet, more or less, east of the center of Campostella Road and south of the normal southern line of East Indian River Road.

Thereupon, an Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of E. Indian River Road," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective December 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of City Planning Commission, for the following requests to amend the City's Zoning Ordinance to adopt a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) affecting the area protected by the downtown flood wall: a) Zoning text amendment to amend Chapter 11-3 "Floodplain/Coastal Hazard Overlay Districts" to adopt the new FIS dated December 16, 2014 and make technical corrections and b) Zoning map amendment to adopt FIRM panel 510104 0130G dated December 16, 2014.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain Section 11-3 the *Zoning Ordinance of the City of Norfolk, 1992*, SO **AS TO** update the Floodplain/Coastal Hazard Overlay Districts (FPCHO) and adopt a revised panel of the flood insurance rate maps affecting the area protected by the Downtown Flood Wall," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to Section 25-10, "Special standards and regulations pertaining to certain types of Special Exception uses," of the City's *Zoning Ordinance* to revise development criteria for automobile sales and service and automobile and truck repair.

Thereupon, an Ordinance entitled, "An Ordinance to amend Sections 25-10.3 and 25-10.7 of the *Zoning Ordinance of the City of Norfolk*, 1992, SO AS TO modify the Regulations and Development Standards for the Zoning uses of "Automobile and Truck Repair" and "Automobile Sales and Services", was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to Chapter 16 of the City's *Zoning Ordinance* to improve and update regulations for temporary signs, including definitions and permissible display periods, and to clarify restrictions for prohibited signs.

Thereupon, an Ordinance entitled, "An Ordinance to amend Section 2-3 and Chapter 16 of the *Zoning Ordinance of the City of Norfolk, 1992*, SO **AS TO** modify the requirements for temporary signs and ensure continued compliance with constitutional standards for sign regulations," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the issuance of **General Obligation Bonds** of up to \$450,000,000 to finance Capital Improvement Projects.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, of **General Obligation Capital Improvement Notes** on a revolving credit line basis," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the issuance of **Wastewater System Revenue Bond** of up to \$10,000,000 to finance the Wastewater System for Capital Improvement Projects.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, **Wastewater System Revenue Bonds**," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the Land Disposition and Development Agreement ("LDDA") to be entered into with Glass Wheel Studio, LLC, and authorizing the conveyance of real property to Glass Wheel Studio, LLC, as provided in the LDDA.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the Land Disposition and Development Agreement ("LDDA") to be entered into with Glass Wheel Studio, LLC, and authorizing the conveyance of real property to Glass Wheel Studio, LLC, as provided in the LDD," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was adopted, effective December 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a \$198,227 Grant Award from the U.S. Department of Justice FY14 Edward Byrne Memorial Justice Assistance Grant Program and appropriating and authorizing the expenditure of the funds for various expenses and projects of the Program," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a \$27,679 Commonwealth of Virginia, Department of Environmental Quality Grant for Litter Prevention, Recycling, and Environmental Educational Programs and appropriating and authorizing the expenditure of the grant funds for the Programs," was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant in the amount of \$25,949 from the **Bureau of Justice Assistance Program** for the FY2014 State Criminal Alien Assistance Program and appropriating and authorizing the expenditure of the Grant Funds by the Sheriff for various Program purposes," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Manager and a Resolution entitled, "A Resolution of the City Council of the City of Norfolk, Virginia, authorizing the City Manager and other officers of the City to take certain actions in connection with the **Municipalities Continuing Disclosure Cooperation Initiative**," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting 7th Bay of Ocean View Property Owners Association, Inc., to encroach into city property at 9503 7th Bay Street, with an existing 14-slip community pier," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of up to \$1,400,000.00 from the **Federal Emergency Management Agency (FEMA)** to provide funds to elevate eight (8) flood-prone private properties and appropriating and authorizing expenditure of the fund for the Elevation Project," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of up to \$1,575,000.00 from the **Federal Emergency Management Agency (FEMA)** to provide funds to elevate nine (9) flood-prone private properties and appropriating and authorizing expenditure of the funds for the Elevation Project," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the **Director of Finance** to credit various accounts of the **Department of Utilities** in the total amount of \$700,917.41 **SO AS TO** reflect uncollectible balances for Fiscal Year 2011," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to negotiate a Memorandum of Agreement in substantial conformity with the terms and conditions of the attached Memorandum of Agreement between the City of Norfolk and the National Oceanic and Atmospheric Administration ("NOAA") to conduct dredging services at the Terminus of West York Street, adjacent to the Brambleton Avenue Bridge; authorizing the appropriation and expenditure of \$1,000,000.00 to procure such services; and authorizing the City Manager to accept \$750,000.00 from NOAA and \$250,000.00 from the Virginia Port Authority in reimbursement for such services," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain the *Norfolk City Code, 1979,* by adding a new Section numbered 25-286.24, **SO AS TO** designate that portion of the 100 block and 200 block of Patrick Street as a **residential parking permit area,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as 'Pimento Island Bistro' on property located at **1900 Colley Avenue**, **Suite 1902**," was introduced in writing and read by its title.

Glenda Gant, 742 Washington Park, was present in opposition but did not wish to speak.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as 'Leone's' on property located at **105 West Charlotte Street**," was introduced in writing and read by its title.

Sture Sigfred, 305 Brooke Avenue, was present to answer questions.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-12A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Leone's' on property located at **105 West Charlotte Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as 'Saint Germain' on property located at **255 Granby Street**," was introduced in writing and read by its title.

Tiffany Kidwell, the applicant, 255 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Commercial Drive-Through on property located at **300 East Main Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a Special Exception authorizing the operation of an entertainment establishment known as 'Sassi Cakes and Sweets' on property located at 330 West 22nd Street, Suites 104 and 105," was introduced in writing and read by its title.

David Zellmer, 718 Redgate Avenue, spoke in opposition to this matter.

ACTION: This matter was continued generally.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-16

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as 'Machismo Burrito Bar' on property located at **409 West York Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-16A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Machismo Burrito Bar' on property located at **409 West York Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as 'El Gavilan Pupuseria Y Restaurante' on property located at **7920 Chesapeake Boulevard, Suite A,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Food Mart Featuring Murry's' on property located at **1011 Kempsville Road**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as Peck and Pour, World Class Wings and Beer' on property located at **1310 Colley Avenue**," was introduced in writing and read by its title.

Grace Yoo, 1310 Colley Avenue, the applicant, was present to answer questions. Richard Levine, 122 West 21st Street, was present in favor of this matter to answer questions.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to Work Release, LLC, authorizing the operation of an entertainment establishment 'Work Release', on property located at **759 Granby Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-21

Letter from the City Manager and a Resolution entitled, "A Resolution supporting the City-Wide ADA Ramp Improvements Project, and requesting funding for such project in the amount of \$1,000,000.00 through the FY2016 Virginia Department of Transportation Revenue Sharing Program," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-22

Letter from the City Manager and a Resolution entitled, "A Resolution supporting the Brambleton Avenue Pedestrian and Safety Improvements Project at the intersections of Brambleton Avenue/Granby Street and Brambleton Avenue/Monticello Avenue, and requesting funding for such project in the amount of \$1,250,000.00 through the FY2016 Virginia Department of Transportation Revenue Sharing Program," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Manager and a Resolution entitled, "A Resolution supporting the **2015 Legislative Priorities** for the City of Norfolk," was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Resolution as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-24

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to negotiate and execute an Agreement in substantial conformity with the terms and conditions of the Comprehensive Agreement by and between the City of Norfolk, Norfolk Public Schools, and S.B. Ballard Construction Company for the design and construction of four schools, with the option to build a fifth school, for a sum not to exceed \$101,075,000 and authorizing the expenditure of funds in the amount of \$48,250,000 from funds heretofore appropriated, subject to and in accordance with the terms and conditions of said Agreement," was introduced in writing and read by its title.

Brenda Kennedy, 1144 Bedford Avenue, Lee Joly, 1112 Rockbridge Avenue, and Jennifer Greeley, 1126 Buckingham Avenue spoke in opposition to approve the Agreement.

Steve Hammond, 5234 Studely Avenue, did not wish to speak when called upon.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of \$10,750.00 plus interest to **Applied Systems Development Corporation** based upon the overpayment of **Business License Taxes for the Tax year 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-26

Letter from the City Attorney and a Resolution entitled, "A Resolution in support of the **One Virginia2021** redistricting organization," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: Riddick.

R-27

An Ordinance entitled, "An Ordinance granting an additional full day of holiday leave to all city employees on December 26, 2014," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-28

A Resolution entitled, "A Resolution appointing or reappointing 33 persons to 6 Boards, 6 Commission, 1 Committee, and 1 Authority for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective November 25, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

NEW BUSINESS

1. Danny Lee Ginn, 3845 Dare Circle, commented on good government.